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89TH CONGRESS
2D SESSION

H. R. 13881

[Report No. 1281]

IN THE SENATE OF THE UNITED STATES

MAY 2, 1966

Read twice and referred to the Committee on Commerce

JUNE 15, 1966

Reported by Mr. MAGNUSON, with amendments

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, in order to protect the owners of dogs and cats from
4 theft of such pets and to prevent the sale or use of stolen
5 dogs and cats for purposes of research and experimentation,
6 it is essential to regulate the transportation, purchase, sale, or
7 handling of dogs and cats by persons or organizations en-
8 gaged in using them for research or experimental purposes
9 or in transporting, buying, or selling them for such use.

1 SEC. 2. When used in this Act—

2 (a) The term “person” includes any individual,
3 partnership, firm, joint stock company, corporation, as-
4 sociation, trust, estate, or other legal entity.

5 (b) The term “Secretary” means the Secretary of
6 Agriculture.

7 (c) The term “commerce” means commerce be-
8 tween any State, territory, or possession, or the District
9 of Columbia, or the Commonwealth of Puerto Rico, and
10 any place outside thereof; or between points within
11 the same State, territory, or possession, or the District
12 of Columbia, but through any place outside thereof;
13 or within any territory or possession or the District of
14 Columbia.

15 (d) The term “dog” means any live dog of the
16 species (*Canis familiaris*) for use or intended to be used
17 for research, tests, or experiments at research facilities.

18 (e) The term “cat” means any live domestic cat
19 (*Felis catus*) for use or intended to be used for research,
20 tests, or experiments at research facilities.

21 (f) The term “research facility” means any school,
22 institution, organization, or person that uses or intends
23 to use dogs or cats in research, tests, or experiments, and
24 that (1) purchases or transports any dogs or cats in com-
25 merce, or (2) receives any funds from the United

1 States or any agency or instrumentality thereof to finance
2 its operations by means of grants, loans, or otherwise.

3 ~~(g)~~ The term "dealer" means any person who for
4 compensation or profit delivers for transportation, or
5 transports, except as a common carrier, buys, or sells
6 dogs or cats in commerce for research purposes.

7 SEC. 3. No research facility shall purchase or transport
8 dogs or cats in commerce unless and until such research
9 facility shall have obtained a license from the Secretary, or
10 acquire any dog or cat from any person except a person
11 holding a valid license as a dealer.

12 SEC. 4. No dealer shall sell or offer to sell or transport
13 or offer for transportation to any research facility any dog or
14 cat, or buy, sell, offer to buy or sell, transport or offer for
15 transportation in commerce to or from another dealer under
16 this Act any dog or cat, unless and until such dealer shall
17 have obtained a license from the Secretary and such license
18 shall not have been suspended or revoked.

19 SEC. 5. The Secretary is authorized to promulgate
20 humane standards to govern the handling and transportation
21 of dogs and cats by dealers, and to promote their health,
22 well-being, and safety: *Provided, however,* That nothing in
23 this Act shall be construed to authorize the Secretary to set
24 standards for the handling of dogs and cats during the actual

1 research or experimentation or at any time subsequent to
2 the arrival of such animals at a research facility.

3 SEC. 6. The Secretary shall issue licenses to research
4 facilities and to dealers upon application therefor in such
5 form and manner as he may prescribe and upon payment of
6 such fee established pursuant to section 17 of this Act: *Pro-*
7 *vided*, that no such license shall be issued until the dealer
8 shall have demonstrated that his facilities comply with the
9 standards promulgated by the Secretary pursuant to sec-
10 tion 5 of this Act: *Provided, however*, That any person who
11 derives less than a substantial portion of his income (as
12 determined by the Secretary) from the breeding and raising
13 of dogs or cats on his own premises and sells such animals
14 to a dealer shall not be required to obtain a license as a dealer
15 under this Act. The Secretary is further authorized to li-
16 cense, as dealers, persons who do not qualify as dealers
17 within the meaning of this Act upon such persons' complying
18 with the requirements specified above and agreeing, in writ-
19 ing, to comply with all the requirements of this Act and the
20 regulations promulgated by the Secretary hereunder.

21 SEC. 7. All dogs and cats delivered for transportation,
22 transported, purchased, or sold in commerce to any dealer
23 or research facilities shall be marked or identified in such
24 humane manner as the Secretary may prescribe.

25 SEC. 8. Dealers shall make and keep such records with

1 respect to their purchase, sale, transportation, and handling
2 of dogs and cats as the Secretary may prescribe. Research
3 facilities shall make and keep such records with respect to
4 their purchase, sale, and transportation of dogs and cats as
5 the Secretary may prescribe. Such records shall be kept
6 open at all reasonable times to inspection by the Secretary
7 or any person duly authorized by him.

8 SEC. 9. The Secretary is authorized to cooperate with
9 the officials of the various States or political subdivisions
10 thereof in effectuating the purposes of this Act and of any
11 State, local, or municipal legislation or ordinance on the same
12 subject.

13 SEC. 10. No dealer shall sell or otherwise dispose of
14 any dog or cat within a period of five business days after
15 the acquisition of such animal or within such other period
16 as may be specified by the Secretary.

17 SEC. 11. The Secretary is authorized to promulgate
18 such rules, regulations, and orders as he may deem necessary
19 in order to effectuate the purposes of this Act.

20 SEC. 12. (a) If the Secretary has reason to believe
21 that any research facility has violated or is violating any
22 provision of this Act or any of the rules or regulations
23 promulgated by the Secretary hereunder and if, after notice
24 and opportunity for hearing, he finds a violation, he may
25 make an order that such research facility shall cease and de-

1 sist from continuing such violation. If the Secretary deter-
2 mines that such violation was willful and likely to continue,
3 he shall also prepare a report in writing in which he shall
4 state his findings as to the facts and shall certify such report
5 to each agency of the Federal Government furnishing funds
6 to such research facility to finance research, tests, or experi-
7 ments involving the use of dogs or cats with a recommenda-
8 tion that such funds be withdrawn for such period as the
9 Secretary may specify, and each such agency so notified
10 shall suspend all such payments, loans, or grants to such
11 research facility, unless such agency finds that such suspen-
12 sion would not be in the public interest, all other laws or
13 parts of law notwithstanding.

14 ~~(1)~~ If the Secretary has reason to believe that any
15 person licensed as a dealer has violated or is violating any
16 provision of this Act or any of the rules or regulations
17 promulgated by the Secretary hereunder, the Secretary may
18 suspend such person's license temporarily, but not to exceed
19 twenty-one days, and, after notice and opportunity for hear-
20 ing, may suspend for such additional period as he may
21 specify, or revoke, such license if such violation is determined
22 to have occurred and may make an order that such person
23 shall cease and desist from continuing such violation.

24 ~~(c)~~ Any research facility, dealer, or other person
25 aggrieved by a final order of the Secretary issued pursuant

1 to subsections (a) and (b) of this section may, within sixty
2 days after entry of such order, file a petition to review such
3 order in the United States Court of Appeals for the judicial
4 circuit in which the party or any of the parties filing the
5 petition for review resides or has its principal office, or in the
6 United States Court of Appeals for the District of Columbia.
7 Upon the filing and service of a petition to review, the Court
8 of Appeals shall have jurisdiction of the proceeding. For
9 the purposes of this Act, the provisions of chapter 19A
10 (Hobbs Act) of title 5, United States Code, shall be appli-
11 cable to appeals pursuant to this section.

12 SEC. 13. When construing or enforcing the provisions
13 of this Act, the act, omission, or failure of any individual
14 acting for or employed by a research facility or a dealer, or
15 a person licensed as a dealer pursuant to the second sentence
16 of section 6, within the scope of his employment or office,
17 shall be deemed the act, omission, or failure of such research
18 facility, dealer, or other person as well as of such individual.

19 SEC. 14. Any research facility or dealer who operates
20 without a license from the Secretary issued pursuant to this
21 Act or while such license is suspended or revoked, and any
22 research facility, dealer, or person licensed as a dealer pur-
23 suant to the second sentence of section 6 who knowingly
24 fails to obey a cease-and-desist order made by the Secretary
25 under the provisions of section 12 of this Act shall forfeit

1 to the United States the sum of \$500 for each offense and
2 each day of operating without a valid license or failing to
3 obey a cease-and-desist order shall constitute a separate
4 offense. Such forfeiture shall be recoverable in a civil suit in
5 the name of the United States. It shall be the duty of the
6 various United States attorneys, under the direction of the
7 Attorney General, to bring suit for the recovery of forfeitures.

8 SEC. 15. Whenever it shall appear to the Secretary that
9 any person has engaged, is engaging, or is about to engage
10 in any act or practice constituting a violation of any pro-
11 vision of this Act, or any rule, regulation, or order there-
12 under, the Secretary may notify the Attorney General, and
13 the Attorney General may bring an action in the proper
14 district court of the United States or the proper United
15 States court of any territory or other place subject to the
16 jurisdiction of the United States, to enjoin such act or prac-
17 tice and to enforce compliance with this Act, or any rule,
18 regulation, or order thereunder, and said courts shall have
19 jurisdiction to entertain such actions. Any action under
20 this section may be brought in the district wherein the
21 defendant is found or is an inhabitant or transacts business
22 or in the district where the act or practice in question
23 occurred or is about to occur, and process in such cases
24 may be served in any district where the defendant may
25 be found.

1 SEC. 16. If any provision of this Act or the application
2 of any such provision to any person or circumstances shall
3 be held invalid, the remainder of this Act and the application
4 of any such provision to persons or circumstances other
5 than those as to which it is held invalid shall not be affected
6 thereby.

7 SEC. 17. In order to finance the administration of this
8 Act, the Secretary shall charge, assess, and cause to be col-
9 lected reasonable fees for licenses issued. Such fees shall
10 be adjusted on an equitable basis taking into consideration
11 the type and nature of the operations to be licensed and
12 shall cover as nearly as practicable the costs of administering
13 the provisions of this Act. All such fees shall be deposited
14 in a fund which shall be available without fiscal year limita-
15 tion for use in administering the provisions of this Act to-
16 gether with such funds as may be appropriated thereto, and
17 there are hereby authorized to be appropriated such funds as
18 Congress may from time to time provide.

19 SEC. 18. This Act shall take effect one hundred and
20 twenty days after enactment.

21 *That, in order to protect the owners of dogs and cats from*
22 *theft of such pets, to prevent the sale or use of dogs and cats*
23 *which have been stolen, and to insure that certain animals*
24 *intended for use in research facilities are provided humane*

1 care and treatment, it is essential to regulate the transporta-
2 tion, purchase, sale, housing, care, handling and treatment
3 of such animals by persons or organizations engaged in using
4 them for research or experimental purposes or in transport-
5 ing, buying, or selling them for such use.

6 SEC. 2. When used in this Act—

7 (a) The term “person” includes any individual, part-
8 nership, association, or corporation;

9 (b) The term “Secretary” means the Secretary of A pri-
10 culture;

11 (c) The term “commerce” means commerce between
12 any State, territory, possession, or the District of Columbia.
13 or the Commonwealth of Puerto Rico, and any place outside
14 thereof; or between points within the same State, territory,
15 or possession, or the District of Columbia, or the Common-
16 wealth of Puerto Rico, but through any place outside thereof;
17 or within any territory, possession, or the District of Co-
18 lumbia, or the Commonwealth of Puerto Rico;

19 (d) The term “cat” means any live cat (*Felis catus*);

20 (e) The term “dog” means any live dog (*Canis*
21 *familiaris*);

22 (f) The term “research facility” means any school, in-
23 stitution, organization, or person that uses or intends to use
24 dogs or cats in research, tests, or experiments, and that (1)
25 purchases or transports dogs or cats in commerce, or (2)

1 receives funds under a grant, award, loan, or contract from
2 a department, agency, or instrumentality of the United
3 States for the purpose of carrying out research, tests, or
4 experiments;

5 (g) The term "dealer" means any person who, regu-
6 larly and for profit, transports, except as a common carrier,
7 or buys and sells animals intended for use in research
8 facilities;

9 (h) the term "animal" means live dogs, cats, monkeys
10 (nonhuman primate mammals), guinea pigs (*Cavia cobaya*),
11 hamsters (*Cricetus*), and rabbits (*Oryctolagus cuniculus*).

12 SEC. 3. It shall be unlawful for any research facility
13 to purchase animals from any dealer unless such dealer
14 holds a valid license issued by the Secretary pursuant to
15 this Act.

16 SEC. 4. It shall be unlawful for any dealer to buy, sell,
17 offer to buy or sell, transport or offer for transportation
18 in commerce any animal unless such dealer has obtained a
19 license from the Secretary in accordance with such rules
20 and regulations as the Secretary may prescribe pursuant
21 to this Act, and such license has not been suspended or
22 revoked.

23 SEC. 5. No department, agency, or instrumentality of
24 the United States which uses animals for research or experi-
25 mentation shall purchase or otherwise acquire animals for

1 such purposes from any dealer unless such dealer holds a
2 valid license issued by the Secretary pursuant to this Act.

3 *SEC. 6. Every research facility shall register with the*
4 *Secretary in accordance with such rules and regulations as*
5 *he may prescribe.*

6 *SEC. 7. The Secretary shall establish and promulgate*
7 *standards to govern the humane handling, care, treatment,*
8 *and transportation of animals by dealers and research facil-*
9 *ities. Such standards shall include, but not necessarily be*
10 *limited to, minimum requirements with respect to the hous-*
11 *ing, feeding, watering, sanitation, ventilation, shelter from*
12 *extremes of weather and temperature, separation by species,*
13 *and adequate veterinary care. The foregoing shall not be*
14 *construed as authorizing the Secretary to prescribe standards*
15 *for the handling, care, or treatment of animals during actual*
16 *research or experimentation by a research facility as deter-*
17 *mined by such research facility.*

18 *SEC. 8. Any department, agency or instrumentality of*
19 *the United States having laboratory animal facilities shall*
20 *comply with the standards promulgated by the Secretary for*
21 *a research facility under section 7.*

22 *SEC. 9. All dogs and cats delivered for transportation,*
23 *transported, purchased, or sold in commerce by any dealer*
24 *shall be marked or identified in such humane manner as the*
25 *Secretary may prescribe.*

1 *SEC. 10. Research facilities and dealers shall make, and*
2 *retain for such reasonable period of time as the Secretary*
3 *may prescribe, such records with respect to the purchase,*
4 *sale, transportation, identification, and previous ownership of*
5 *dogs and cats as the Secretary may prescribe, upon forms*
6 *supplied by the Secretary. Such records shall be made avail-*
7 *able at all reasonable times for inspection by the Secretary, by*
8 *any Federal officer or employee designated by the Secretary.*

9 *SEC. 11. The Secretary shall issue a license to any dealer*
10 *upon application therefor and payment of the license fee*
11 *prescribed pursuant to section 23 of this Act if the Secretary*
12 *determines that the facilities of such dealer comply with the*
13 *standards prescribed by the Secretary pursuant to section 7*
14 *of this Act. The Secretary may license as a dealer any per-*
15 *son who is not a dealer within the meaning of section 2(g)*
16 *of this Act, upon application and payment of the prescribed*
17 *fee, if such person enters into a written agreement with the*
18 *Secretary under which such person agrees to comply with*
19 *the requirements of this Act and the regulations prescribed*
20 *hereunder.*

21 *SEC. 12. The Secretary shall make such investigations*
22 *or inspections as he deems necessary to determine whether*
23 *any person has violated or is violating any provision of this*
24 *Act or any regulation issued thereunder. The Secretary*
25 *shall promulgate such rules and regulations as he deems*

1 necessary to permit inspectors to confiscate or destroy in a
2 humane manner any animals found to be suffering as a
3 result of a failure to comply with any provision of this Act
4 or any regulation issued thereunder if (1) such animals
5 are held by a dealer, or (2) such animals are held by a
6 research facility and are no longer required by such research
7 facility to carry out the research, test, or experiment for
8 which such animals have been utilized.

9 SEC. 13. (a) The Secretary shall consult and cooperate
10 with other Federal departments, agencies, or instrumental-
11 ities concerned with the welfare of animals used for research
12 or experimentation when establishing standards pursuant to
13 section 7 and in carrying out the purposes of this Act.

14 (b) The Secretary shall take such action as he may
15 deem appropriate to encourage the various States of the
16 United States to adopt such laws and to take such action
17 as will promote and effectuate the purposes of this Act, and
18 the Secretary is authorized to cooperate with the officials of
19 the various States in effectuating the purposes of this Act
20 and any State legislation on the same subject.

21 SEC. 14. No dealer shall sell or otherwise dispose of
22 any dog or cat within a period of five business days after
23 the acquisition of such animal, except pursuant to regula-
24 tions prescribed by the Secretary.

25 SEC. 15. The Secretary shall issue rules and regula-

1 tions requiring licensed dealers and research facilities to
2 permit inspection of their premises and records at reasonable
3 hours upon request by legally constituted law enforcement
4 agencies in search of lost animals.

5 *SEC. 16.* No dog or cat may be sold or offered for sale
6 in commerce at a public auction or by weight, and no re-
7 search facility may purchase a dog or cat at a public auction
8 or by weight, unless the sale or offer for sale of such animal
9 is made (1) in accordance with regulations prescribed by the
10 Secretary, and (2) by a dealer licensed under this Act.

11 *SEC. 17. (a)* Nothing in this Act shall be construed as
12 authorizing the Secretary to promulgate rules, regulations,
13 or orders for the handling, care, treatment, or inspection of
14 animals during actual research or experimentation by a
15 research facility as determined by such research facility.

16 *(b)* The Secretary is authorized to promulgate such
17 additional standards, rules, regulations, and orders as he
18 may deem necessary in order to effectuate the purposes of
19 this Act.

20 *SEC. 18.* Any dealer who violates any provision of this
21 Act shall, on conviction thereof, be subject to imprisonment
22 for not more than one year or a fine of not more than \$1,000,
23 or both.

24 *SEC. 19. (a)* If the Secretary has reason to believe that
25 a dealer or any person licensed as a dealer has violated or is

1 *violating any provision of this Act or any rule or regulation*
2 *prescribed hereunder, he may suspend such person's license*
3 *temporarily, but not to exceed thirty days, and, after notice*
4 *and opportunity for hearing, may revoke or suspend such*
5 *license for such additional period as he may specify if such*
6 *violation has occurred, and may order such person to cease*
7 *and desist from continuing such violation.*

8 *(b) Any person aggrieved by a final order of the Secre-*
9 *tary issued pursuant to subsection (a) of this section may,*
10 *within sixty days after entry of such an order, seek review*
11 *of such order in the manner provided in section 10 of the*
12 *Administrative Procedure Act (5 U.S.C. 1009).*

13 *SEC. 20. Whenever the Secretary has reason to believe*
14 *that any research facility has violated or is violating any*
15 *provision of this Act or any rule or regulation prescribed*
16 *thereunder, he shall cause a complaint in writing to be de-*
17 *livered to such research facility, describing the alleged vio-*
18 *lation or violations. If the Secretary, after the expiration of*
19 *twenty days following the day on which the complaint was*
20 *delivered to such research facility, has reason to believe that*
21 *such research facility is continuing to violate the provisions*
22 *of this Act, or any rule or regulation prescribed thereunder,*
23 *as described in the complaint, he shall apply to the district*
24 *court for the district in which such research facility is lo-*
25 *cated for a court order directing such research facility to*

1 *cease and desist from committing the violations described in*
2 *the Secretary's complaint.*

3 *SEC. 21. When construing or enforcing the provisions*
4 *of this Act, any act, omission, or failure of any individual,*
5 *while acting within the scope of his office or employment for*
6 *a dealer, shall be deemed to be the act, omission, or failure*
7 *of such dealer as well as of such individual.*

8 *SEC. 22. If any provision of this Act or the application*
9 *of any such provision to any person or circumstances shall*
10 *be held invalid, the remainder of this Act and the application*
11 *of any such provision to persons or circumstances other than*
12 *those as to which it is held invalid shall not be affected*
13 *thereby.*

14 *SEC. 23. The Secretary is authorized to charge, assess,*
15 *and cause to be collected reasonable fees for licenses issued*
16 *to dealers. All such fees shall be deposited and covered*
17 *into the Treasury as miscellaneous receipts.*

18 *SEC. 24. The regulations referred to in section 7 and*
19 *section 10 shall be prescribed by the Secretary as soon as rea-*
20 *sonable but not later than six months from the date of enact-*
21 *ment of this Act. Additions and amendments thereto may be*
22 *prescribed from time to time as may be necessary or advisable.*
23 *Compliance by dealers with the provisions of this Act and*
24 *such regulations shall commence ninety days after the pro-*
25 *mulgation of such regulations. Compliance by research fa-*

1 cilities with the provisions of this Act and such regulations
 2 shall commence six months after the promulgation of such
 3 regulations, except that the Secretary may grant extensions
 4 of time to research facilities which do not comply with the
 5 standards prescribed by the Secretary pursuant to section 7
 6 of this Act provided that the Secretary determines that there
 7 is evidence that the research facilities will meet such stand-
 8 ards within a reasonable time.

Amend the title so as to read: "An Act to authorize the
 Secretary of Agriculture to regulate the transportation, sale,
 and handling of dogs, cats, and certain other animals in-
 tended to be used for purposes of research or experimenta-
 tion, and for other purposes."

89TH CONGRESS
2^D SESSION

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[Report No. 1281]

AN ACT

To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes.

MAY 2, 1966

Read twice and referred to the Committee on
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JUNE 15, 1966

Reported with amendments